

REMARKS

The present filing is responsive to the Office Action.

Summary of the Response

Claims 14, 22, 24, 26, 28 and 33 have been amended. Claims 1-13 have been previously canceled. Claims 14-33 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

Claim Rejections Under 35 USC 112

Claims 23, 24, 26 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Applicant does not agree with the Examiner's reasons for this rejection. However, in the interest of furthering prosecution of this case, Applicant amended the relevant claims to address the Examiner's concerns.

Concerning claim 23, written description directed to phase of consecutive time periods is increased or decreased by one time period between adjacent picture elements is provided in the specification at 6:8-10 and Table 3, for example.

Concerning claim 24 as amended, Applicant notes that "substantially same" would cover "same", especially given the Examiner's interpretation.

Concerning claim 26 as amended, written description is provided in the specification at 2:27-30, for example.

Concerning claim 28 as amended, written description is provided in the specification at 2:31-34, for example.

Claim Rejections Under 35 USC 103

Claims 14-20, 22, 23 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,362,834 to Ishii ("Ishii"). Claims 21 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,362,834 to Ishii ("Ishii") and further in view of U.S. Patent No. 6,198,469 to Tjandrasuwita ("Tjandrasuwita"). These rejections are respectfully traversed.

Initially, Applicant disagrees with the Examiner's statement that Applicant's arguments filed 9/8/2008 regarding the applicability of cited art to the newly submitted claims are not persuasive. Such statement is inconsistent with the basis for finality of the present action: "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." Clearly, Applicant's prior amendments overcame the prior rejections based on the manner the cited art were applied. The rejections in the present action are based on other grounds not previously presented by the Examiner.

Applicant also disagrees with the Examiner's statement that Applicant would seek to describe Applicant's invention as not being applicable to color displays. Applicant has not done that in the response to the previous Office action. In Applicant's earlier arguments, Applicant compared to Ishii, and noted that Ishii is directed to phase control of RGB components of a pixel, by control of RGB phases, using a process that is different from the control of gray levels in the context of the present invention. In one embodiment of the present invention, the gray level of the group of picture elements is controlled to be at a same gray level. In accordance with the

present invention, by phase shifting the sequence of consecutive time periods (e.g., frame periods), flicker at the same gray level can be avoided. Control to display desired RGB levels is different from control of desired gray levels without flickering. It would not have been obvious to refer to Ishii to gain knowledge to the recited driver to control gray level without flickering. Nowhere in the above comparison analysis, and anywhere else for that matter, did Applicant seek to describe the invention as not being applicable to color displays.

Independent claims 14 and 33 have been amended to recite wherein line time for data signal is split into a plurality of sub-line times for each consecutive time period. Independent claim 33 has been further amended to further recite wherein phase shifting is different for a sequence of consecutive time periods during a next selection time (similar for dependent claim 22). Support for these amendments can be found, for example, in the specification at 6:11-17, Fig. 4, Table 4, 7:5-9, 15:18-28, Fig. 7.

Applicant respectfully submits that neither Ishii nor Tjandrasuwita teach or suggest these added limitations in combination with other limitations in each claim.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.**

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or

to credit any overpayment to **Deposit Account No. 501288** referencing the attorney docket number of this application.

Respectfully submitted,

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